



US Army Corps
of Engineers
St Paul District

Public Notice

ISSUED: 19 July 2012

EXPIRES: 31 December 2012

2012-02674-MVP

SECTION:404 - Clean Water Act
10 - Rivers and Harbors Act

Information regarding Department of the Army permits for clean up and repair of damaged infrastructure, public facilities, and/or private property resulting from the June 20-21, 2012 flood event in Northeastern Minnesota and Northwestern Wisconsin.

The purpose of this notice is to provide the information and guidance to the public in the states of Minnesota and Wisconsin on expedited and emergency permit processing procedures in response to conditions resulting from the flood event of June 20-21 in Northeastern Minnesota and Northwestern Wisconsin.

The public is encouraged to carefully read the attached expedited and emergency procedures to determine if their project may meet the criteria for an emergency as a result of the recent flood event. The procedures were developed to streamline the U.S. Army Corps of Engineers, St. Paul District's (Corps) review and decision making process for recovery activities involving work in navigable waters and/or resulting in a discharge of dredged or fill material into waters of the United States that may require a Department of the Army permit.

If the work qualifies as an emergency, members of the public should **immediately contact** the Corps field office and/or district office in which the emergency exists using the contacts listed in the "Corps of Engineers Points of Contact" table provided in the attached procedures. A representative from the Corps regulatory staff will initiate an evaluation process as soon as possible to determine if the activity is exempt, is authorized by an existing general permit, or requires authorization under emergency permitting procedures. Additional information will be required if the Corps determines that the proposed work must be reviewed following emergency permitting procedures (see subsection B of the *Coordination Process for Emergency Work* section of the attached procedures).

Questions regarding these procedures can be directed to the Corps Project Manager assigned to the county where the proposed work is located (see the contact information on pages 3 and 4 of the procedures). Alternatively, you may contact the St. Paul District Corps of Engineers toll free at 1-800-290-5847 extension 5525 or via email floodresponsejune2012@usace.army.mil.

Tamara E. Cameron
Chief, Regulatory Branch

**U.S. Army Corps of Engineers, St. Paul District's Regulatory Branch
Expedited and Emergency Permit Processing Procedures
for the 2012 Flood Event in Northeastern Minnesota and Northwestern Wisconsin
July 19, 2012**

BACKGROUND

In accordance with *33 CFR Part 325.2(e)(4)* and in response to the June 20 and June 21, 2012 flood event, the U.S. Army Corps of Engineers, St. Paul District, Regulatory Branch (Corps) is providing guidance to the public in the states of Minnesota and Wisconsin on expedited and emergency permit processing procedures. This guidance is to be utilized for flood damage emergency repairs requiring Corps authorization under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act. The guidance is applicable to projects such as public and private infrastructure projects; electrical, telephone and pipeline utility projects; debris removal ; road and railroad transportation emergency repairs; and erosion control and stabilization projects.

DEFINITION OF EMERGENCY

By regulation, "an emergency" is defined as a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures. These emergency permit procedures are being put in place to save property and to restore critical infrastructure.

COORDINATION PROCESS FOR EMERGENCY WORK

If the situation is an emergency under the Corps definition and the project requires Corps authorization under Section 404 or Section 10, **immediately contact** the Corps field office and/or district office in which the emergency exists using the contacts listed in the "Corps of Engineers Points of Contact" table provided in this guidance. A representative from the Corps will initiate an evaluation process to determine if the activity is exempt, is authorized by an existing regional general permit or nationwide permit, or requires authorization under the emergency permit procedures. If the project cannot be authorized under a GP or NWP, and the Corps determines that the project is eligible for emergency permit procedures, the Corps may proceed with review of the proposal in accordance with our emergency permit procedures at 33 CFR 325.2(e)(4).

The St. Paul District received authorization from Mississippi Valley Division office of the U.S. Army Corps of Engineers to implement the emergency permit evaluation procedures to establish a streamlined and efficient review process for emergency work in waters of the United States resulting from the June 20 and 21, 2012 flood event.

Use of this Emergency Permitting Procedures is allowed if the following procedures are followed:

- A. BEFORE WORK COMMENCES the applicant must obtain approval under these Emergency Permit Procedures. The Corps will determine whether the proposed action is an emergency situation based on information the applicant provides.

No work may proceed without written Corps authorization.

B. The following information must be provided to the St. Paul District Office:

- (1) Name of responsible party (having legal interest to perform the work) and daytime phone number. Agents representing the applicants must provide written verification of their designation as agent.
- (2) Site Location: Township, Range, Section; County; closest road intersection; name of water body; river mile.
- (3) Names and contact information (phone numbers) for adjacent landowners.
- (4) Work Description:
 - (a) The description of work must include an explanation of the nature and circumstance of the emergency. Include a description of the cause of emergency (describe when and how the emergency occurred), the urgency of work (describe why the situation is an emergency using the definition above and explain what would happen if expedited or emergency permitting procedures are not used), and the time to complete emergency work (estimate beginning and end).
 - (b) The project description must include all proposed new work and any work completed and/or begun without prior written authorization from the Corps.
 - (c) Dredging: Provide size (square feet) of area to be dredged and estimated cubic yards of material to be dredged. Provide location of disposal area and retention method of dredged material.
 - (d) Filling of Waters (e.g. streams) or Wetlands: Provide size (square feet) of area to be filled, type of wetlands and/or stream channel, and estimated cubic yards of material that will be placed in wetlands. Provide type and source of fill material and retention method.
 - (e) Legible Site Plan showing proposed work area. Construction drawings, if available, are to be provided.
 - (f) Photographs of the proposed work area, if available.
 - (g) Summary of resource agency coordination completed regarding the proposed work. (Other State and Federal agencies such as the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, U.S. Fish and Wildlife Service, and U.S. Department of Agriculture-Forest Service may have information that assists us with our review and reduces the timeframe associated with our review).
- (5) Statement from applicant acknowledging the following:
 - (a) All mitigation, as required by the Corps, would be performed.
 - (b) The work would be performed in a manner that would avoid and minimize impact to waters of the U.S., including wetlands, to the maximum extent practicable.
 - (c) Should historic or cultural resources be discovered during the work, all work would immediately cease, and the Corps and State Historic Preservation Officer would be immediately notified.
 - (d) No impacts would occur to threatened or endangered federally-listed species under the Endangered Species Act.
 - (e) The work would be completed in an expeditious manner.
 - (f) In areas of temporary wetland fill, the impacted area would be restored as near as possible to pre-emergency conditions.

C. Information must be provided to the following address:

Department of the Army
St. Paul District, Corps of Engineers
Attention: CEMVP-OP-R Emergency Procedures
180 Fifth Street East, Suite 700
St. Paul, Minnesota 55101-1678
Via email: floodresponsejune2012@usace.army.mil
Via fax: (651) 290-5330

For these procedures, information may be provided to the appropriate field offices listed in the "Corps of Engineers Points of Contact" table provided in this guidance.

- D. Applications made under these Emergency Procedures must be received no later than 31 December 2012. Work authorized under these procedures must be completed within 120 days from the date the work is authorized, unless a longer period is justified on a case-by-case basis. The procedures may be modified, suspended, or revoked if these activities are found to be contrary to the public interest.
- E. AFTER APPROVED EMERGENCY WORK IS COMPLETE, and no later than 31 March 2013, the permittee must submit the following information to the Corps:
- (1) Description of completed work.
 - (2) Number of acres of waters of the United States and/or wetlands impacts.
 - (3) As-built drawings.
- F. This Emergency Permitting Procedure does not grant any property rights or exclusive privileges. It does not authorize any injury to the property or rights of others to obviate the need to obtain other Federal, State, or local authorizations required by law. In addition, it does not authorize interference with any existing or proposed Federal project.

During a flood emergency and times of imminent danger, we understand that landowners may take immediate actions that are necessary to protect their property. Landowners are responsible for verifying or obtaining authorization for work in waters of the U.S. Corps staff will accept permit applications for work done to address an emergency situation, and will determine the appropriate authorization required. If the work cannot be authorized after the fact, the landowner may be required to remove the material that was placed during the emergency.

CORPS OF ENGINEERS POINTS OF CONTACT

During normal business hours (8 am to 5 pm) please contact the Corps of Engineers employee responsible for the county in which the emergency work will occur. Outside of normal business hours please contact the Corps toll free at 1-800-290-5847 x 5525. If we are unable to take your call, please leave a message indicating your emergency. A Corps representative will return your call as soon as possible.

County	Contact	Role	Phone Number
	Tamara Cameron	St. Paul Branch Chief	1-800-290-5847 x 5197
	Kelly Urbanek	St. Paul NW Section Chief	1-800-290-5847 x 5340
Carlton Co., MN	Josh Fitzpatrick	Project Manager	1-800-290-5847 x 5694
South St. Louis Co., MN	Josh Fitzpatrick	Project Manager	1-800-290-5847 x 5694
North St. Louis Co., MN	Leslie Day	Project Manager	1-800-290-5847 x 5693
Lake Co., MN	Leslie Day	Project Manager	1-800-290-5847 x 5693
Cook Co., MN	Leslie Day	Project Manager	1-800-290-5847 x 5693
Douglas Co., WI	Jason Berkner	Project Manager	(715) 934-2172
Pine Co., MN	Benjamin Orne	Project Manager	1-800-290-5847 x 5280
Aitkin Co., MN	Robert Maroney	Project Manager	1-800-290-5847 x 5766
Bayfield Co., WI	Jason Berkner	Project Manager	(715) 934-2172
Ashland Co., WI	Bill Sande	Project Manager	(715) 934-2172
Two Harbors Field Office			(218) 834-6630 or 1-800-290-5847 x 5692
Brainerd Field Office			(218) 829-2711 or 1-800-290-5847 x 5767
Hayward Field Office			715-934-2171
St Paul District office			651-290-5263 or 1-800-290-5847 x 5525
Outside of normal business hours			1-800-290-5847 x 5525

ADDITIONAL INSTRUCTIONS FOR SUBMITTING INFORMATION

The review process for emergency work can be streamlined through the submission of electronic information via email. The Corps requests that, whenever possible, information (drawings, maps, plans, photographs, etc.) be submitted via email. However, please be aware that email messages larger than 5MB may be blocked and may not be received.

When submitting information via email please provide the following in the subject line of the email

“Emergency Repair June 2012 Flood Event” and identify the project location by nearest city and county. Please send your email to floodresponsejune2012@usace.army.mil